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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee on Economic,
Social and Cultural Rights:

ROMANIA

1. The Committee considered the second periodic report of Romania on articles 13-15 of the International Covenant on Economic, Social and Cultural Rights (E/1990/7/Add.14) at its 5th, 7th and 13th meetings held on 4,5 and 10 May 1994 and adopted 1/ the following concluding observations.

A. Introduction

2. The Committee thanks the Government of Romania for its report, which was prepared in accordance with its revised general guidelines, and for submission of the core document forming part of the reports of States parties (HRI/CORE/1/Add.13). At the same time, the Committee notes that the written information, provided by the Government in reply to the questions set out in the list of issues (E/C.12/1994/WP.2) communicated to it in December 1993, has not been made available to the Committee sufficiently in advance to make possible its translation into all working languages of the Committee thus making more difficult access for Committee's members to the wealth of additional information contained therein. The supplementary information provided by the representatives

1/ At its 25th and 26th meetings (tenth session), held on 19 May 1994.

of the State party and the strong efforts made by the delegation to respond to the questions raised by the Committee's members made it possible to engage in an open, frank and constructive dialogue between the State party and the Committee.

B. Positive aspects

3. The Committee notes with appreciation that the content of the written report and of its oral presentation differ considerably, for the better, from the consideration of Romania's report on articles 10 to 12 in 1988. The new approach of the Government of Romania to international cooperation in the field of human rights, as manifested during the present session, opens new avenues for effective cooperation between the Committee and the State party within the framework of the International Covenant on Economic, Social and Cultural Rights.

4. The Committee welcomes the efforts made by the State party to carry out a number of programmes and reforms designed to solve the serious economic, social and cultural problems being encountered by the country in its transition to a market economy and to a pluralist democratic political system based on the rule of law and respect for human rights.

5. The Committee appreciates the willingness and the readiness of the Government to cooperate with various regional and global intergovernmental and non-governmental institutions in the field of human rights. In this context, it takes particular note of the cooperation between the Government of Romania and the United Nations Centre for Human Rights under the Country Programme for the period 1992-1994.

6. The Committee notes that all forms of public education are free in Romania and the particular attention paid by the Government, in a difficult economic context, to the provision of adequate educational facilities for the most disadvantaged groups of children, including the setting up of special schools for children with disabilities.

7. The Committee takes note of the recognition of the principle of university autonomy, provided for and guaranteed in accordance with article 32, paragraph 6 of the Constitution.

C. Factors and difficulties impeding the implementation of the Covenant

8. The Committee notes that the structural adjustment programme, now being implemented in Romania, may have adverse consequences for the implementation of economic, social and cultural rights in general and of the rights enshrined in articles 13 and 15 of the Covenant, in particular.

9. It notes that great practical difficulties exist in the teaching field, especially in terms of a shortage of qualified staff and a lack of adequate premises. Classes are usually overcrowded in spite of a shift system used (with as many as three shifts a day in the same school). Educational materials and necessary technical facilities are also in short supply. In addition, the Committee notes difficulties flowing from the need to develop comprehensive new curricula.

D. Principal subjects of concern

10. The Committee notes with concern that the whole system of education in Romania is functioning on the basis of Governmental decrees and that since the Revolution of 1989 no specific laws have been adopted in this respect.

11. The Committee is concerned at the absence of a law on minorities in a country such as Romania, given the existence of large Gypsy, Hungarian, German and other minority groups.

12. The Committee is particularly concerned about the realization of the right to education and of the right to take part in cultural life by one of the largest minorities in Romania, namely the Gypsy minority. That group, according to the information at the Committee's disposal, continues to suffer many forms of unofficial discrimination which the Government is often unable to prevent or is unwilling to redress. Gypsies continue to face discrimination in work-places and schools and greater efforts should be made to accommodate the specific cultural and other needs of those groups in relation to these matters. The Committee is concerned that, since the Revolution of 1989, no appreciable improvement has occurred in their situation, and that direct and indirect discrimination appears to continue, especially at the local level.

13. The Committee is also concerned about the silence in the report with respect to the difficulties encountered by the State party in implementing rights contained in articles 13 to 15 and about the lack of information on the enjoyment of the right to education and the right to take part in cultural life by the Gypsy minority.

14. The Committee wishes to draw the State party's attention to the absence of any reference in the core document to economic, social and cultural rights and to any efforts made for their implementation.

E. Suggestions and recommendations

15. The Committee recommends that the State party should take vigorous steps to ensure that the right to education and the right to take part in cultural life be guaranteed to the members of the Gypsy minority in full accordance with the provisions of articles 2 (2), 13 and 15 of the Covenant. The Government should: adopt an active non-discrimination policy with respect to this minority; encourage their participation in cultural life; and assure proper participation in educational activities by children belonging to that group.

16. The Committee also recommends that particular attention be paid by the Government to the problem of street and abandoned children, and that further efforts be made to facilitate their access to all forms of primary and secondary education.

17. The Committee recommends that the Romanian Human Rights Institute, established at the beginning of 1991 in order to "foster a better awareness on the part of Romanian public bodies, non-governmental organizations and private citizens of human rights problems", should, in the future, devote greater attention to economic, social and cultural rights.

18. The Committee, having noted that a joint human rights programme has been implemented in Romania by the United Nations Centre for Human Rights since 1992, encourages the Government of Romania to continue its cooperation with the United Nations and recommends that this programme be continued in the future. The Committee also recommends that an economic, social and cultural rights component, which is now practically non-existent, be adequately reflected in that programme.